

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

UNITED STATES OF AMERICA)
v.) CRIMINAL ACTION NO.
EUGENE LAMAR PENDLETON) 2:09cr27-MHT
) (WO)

ORDER

It is ORDERED that defendant Eugene Lamar Pendleton's pro se Rule 36 motion to correct clerical error (Doc. 298) is denied. In the motion, defendant Pendleton suggests that the judgment contains a clerical error because it does not state what pre-trial jail credit he should receive. However, it is responsibility of the Bureau of Prisons, not the court, to award jail credit. See *United States v. Wilson*, 503 U.S. 329, 333 (1992) ("We do not accept Wilson's argument that [18 U.S.C.] § 3585(b) authorizes a district court to award credit at sentencing.").

Should defendant Pendleton wish to challenge the Bureau of Prisons' calculation of his jail credit, he must file a new civil action under 28 U.S.C. § 2241

raising the issue, after exhausting administrative remedies.

DONE, this the 29th day of February, 2024.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE